

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, September 1, 2009, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
Alderman Charles K. Marsh, Jr.
Alderman Larry A. Munsey

Alderman Tom C. Parham
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Ms. Niki Ensor, City Water/Wastewater Manager.
- II.B. **INVOCATION:** by Pastor Mike Beverly of Indian Springs Christian Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Vice-Mayor Benjamin K. Mallicote.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Munsey/Shupe, to approve minutes for the following meetings:

- A. August 17, 2009 Regular Work Session
- B. August 18, 2009 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.** None.

A. **PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Condemn for Easements and Right-of-Ways for the Harbor Chapel/Cooks Valley Road Improvement Project (AF: 298-2009).

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

2. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to Edinburgh Phase II Section 1 and an Ordinance to Appropriate the Funds (AF: 295-2009).

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2010-056, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH THE EDINBURGH GROUP, LLC FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR EDINBURGH SUBDIVISION – PHASE II, SECTION I

Passed: All present voting "aye."

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE II SECTION 1 MATERIALS AGREEMENT PROJECTS (SW0856 AND WA0856); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Enter into a Materials Agreement with Terry Orth Related to Autumn Woods Phase II and Consideration of an Ordinance to Appropriate the Funds (AF: 297-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2010-057, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH TERRY ORTH FOR THE PROVISION OF CERTAIN WATER AND SEWER MATERIALS BY THE CITY FOR AUTUMN WOODS – PHASE II

Passed: All present voting "aye."

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Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE AUTUMN WOODS PHASE II MATERIALS AGREEMENT PROJECTS (SW1068 AND WA1068); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Consideration of an Ordinance to Transfer Funds from the Kingsport Higher Education Center Project (GP0726) to Fund the Workforce Consultant (AF: 291-2009).

Motion/Second: Munsey/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FROM THE KINGSFORT HIGHER EDUCATION PROJECT TO THE GENERAL FUND; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

5. Consideration of an Ordinance to Appropriate Funding Received Through the Tennessee Department of Transportation's "Roadscapes" Grant Program (AF: 300-2009).

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Ordinances to Annex/Amend Zoning of the RS5 Annexation (AF: 266-2009).

Motion/Second: Joh/Parham, to pass:

ORDINANCE NO. 5878, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 13th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS5 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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Motion/Second: Parham/Joh, to pass:

ORDINANCE NO. 5879, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD, FOXPORT ROAD, HIDDEN ACRES ROAD, AND HIDDEN PINES DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 13th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of Ordinances to Annex/Amend Zoning of the RS6 Annexation (AF: 267-2009).

Motion/Second: Munsey/Parham, to pass:

ORDINANCE NO. 5880, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 13th CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS6 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Parham/Joh, to pass:

ORDINANCE NO. 5881, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG PEPPERTREE DRIVE, PEPPERTREE COURT, RAVENTREE DRIVE, VALLEYDALE DRIVE, AND SUMPTER ROAD TO R-1B, RESIDENTIAL DISTRICT IN THE 13th CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary to Apply For and Receive the Solid Waste Recycling Rebate Grant from the Tennessee Department of Environment and Conservation (TDEC of Solid Waste Management Division) (AF: 293-2009).

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2010-058, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND

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RECEIVE A SOLID WASTE RECYCLING REBATE GRANT FROM THE TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION SOLID WASTE
MANAGEMENT DIVISION

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Reimbursement
of Materials Agreement Funds to Terry Orth for Autumn Woods Phase I
Development (AF: 296-2009).**

Motion/Second: Joh/Munsey, to pass:

**Resolution No. 2010-059, A RESOLUTION AUTHORIZING REIMBURSEMENT OF
MATERIALS AGREEMENT FUNDS TO TERRY ORTH FOR THE AUTUMN WOODS
SUBDIVISION PHASE I DEVELOPMENT**

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute
a Guaranteed Max Price Agreement with Camp Dresser and McKee to Provide
Procurement and Construction Management Services for UV Disinfection at the
Wastewater Treatment Plant (AF: 301-2009).**

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2010-060, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN AGREEMENT WITH CAMP DRESSER AND MCKEE FOR
PROCUREMENT AND CONSTRUCTION MANAGMENT SERVICES FOR UV
DISINFECTION AT THE WASTEWATER TREATMENT PLANT**

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Reimbursement
of Materials Agreement Funds to Rob McLean for Stapleton Drive Phase I
Development (AF: 302-2009).**

Motion/Second: Joh/Parham, to pass:

**Resolution No. 2010-061, A RESOLUTION AUTHORIZING REIMBURSEMENT OF
MATERIALS AGREEMENT FUNDS TO ROB MCLEAN FOR THE STAPLETON
DRIVE PHASE I DEVELOPMENT**

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Execute
an Interlocal Cooperation Agreement with the Emergency Communications
District of the City (AF: 299-2009).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2010-062, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
EMERGENCY COMMUNICATIONS DISTRICT OF THE CITY OF KINGSPORT AND
THE CITY OF KINGSPORT**

Passed: All present voting "aye."

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6. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with Dr. William Locke for Consultation Service Relating to the Kingsport Higher Education Center (KCHE) (AF: 294-2009). Mayor Phillips described the numerous benefits of Dr. Locke agreeing to stay involved with the KCHE as a consultant. Alderman Munsey pointed out the increased downtown traffic as a result of the recent KCHE opening and the need for the City to address parking issues in the near future.

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2010-063, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DR. WILLIAM LOCKE FOR CONSULTATION SERVICES RELATING TO THE HIGHER EDUCATION CENTER

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Apply and Receive a Supplemental Discretionary Grant for Capital Investments in Surface Transportation Infrastructure Under the American Recovery and Reinvestment Act (ARRA) through the US Department of Transportation (AF: 304-2009). City Manager Campbell explained that this grant would benefit the Tri-Cities Regional Airport by improving traffic access and expanding airport runway capabilities.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2010-064, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A SUPPLEMENTAL DISCRETIONARY GRANT FOR CAPITAL INVESTMENTS IN SURFACE TRANSPORTATION INFRASTRUCTURE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT THROUGH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

Passed: All present voting "aye."

E. APPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Munsey/Shupe, to adopt:

1. Consideration of an Ordinance Amending the Current City Code to Increase the Reserve Policy Officer Force Capacity from 20 to 25 Officers (AF: 278-2009).

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Adopt:

Ordinance No. 5882, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, SECTION 54-61, INCREASING THE RESERVE POLICE FORCE FROM NOT MORE THAN 20 VOLUNTEER MEMBERS TO NOT MORE THAN 25 VOLUNTARY MEMBERS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Establish a Budget for State Revolving Loan/American Reinvestment and Recovery Act (ARRA) Projects (AF: 282-2009).

Adopt:

Ordinance No. 5883, AN ORDINANCE TO AMEND THE SEWER FUND AND THE SEWER PROJECT FUND BUDGETS BY ESTABLISHING THE BUDGETS FOR THE STATE REVOLVING LOAN/AMERICAN REINVESTMENT AND RECOVERY ACT PROJECTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance to Appropriate the Funds to the Arts Council of Greater Kingsport for the Kingsport Public Art Program (AF: 287-2009).

Adopt:

Ordinance No. 5884, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE ARTS COUNCIL OF GREATER KINGSFORT TO THE SCULPTURE WALK EXHIBITION PROJECT (NC0710); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

4. Consideration of an Ordinance Appropriating Funds Received from the American Recovery and Reinvestment Act (ARRA), Section 5307 Federal Transit Administration Grant from the Department of Transportation (AF: 289-2009).

Adopt:

Ordinance No. 5885, AN ORDINANCE TO AMEND THE URBAN MASS TRANSIT BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE DEPARTMENT OF TRANSPORTATION AS PART OF THE AMERICAN RECOVERY AND REINVESTMENT ACT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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5. Consideration of an Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Justice Assistance Grant Program (JAG) in the Amount of \$165,759.00 for the Purchase of Equipment and Technology (AF: 283-2009).

Adopt:

Ordinance No. 5886, AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE AND TO ESTABLISH THE JUSTICE ASSISTANCE GRANT PROJECT (JG1001); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

6. Consideration of an Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Office of Community Oriented Policing Services (COPS) in the Amount of \$939,012.00 to Hire and Employ 6 Police Officers for 3 Years (AF: 284-2009).

Adopt:

Ordinance No. 5887, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

7. Consideration of an Ordinance Appropriating Additional Funds Received from the Virginia Department of Transportation for State Route 224 Corridor Study (AF: 288-2009).

Adopt:

Ordinance No. 5888, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING ADDITIONAL FUNDS RECEIVED FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell thanked City staff involved in making the KCHE ribbon cutting ceremony a success. Mr. Campbell also thanked the

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Dobyns-Bennett High School Band for performing at the KCHE ceremony. He expressed appreciation for the City's United Way Task Force and the outstanding job done in putting together a promotional video. He mentioned that the City has set records in giving the last few years and encouraged all to do the same this year.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe has seen an increase in pride and ownership taking place in keeping downtown Kingsport attractive. He cited the Keep Kingsport Beautiful downtown clean-up effort in 2007 which garnered around 20 volunteers who picked up over 17 tons of trash. This year attracted nearly 80 volunteers cleaning up around 4 tons of trash.

Alderman Joh missed the KCHE ceremony because she was out of town but she did tour the new building earlier today. She is also excited to see the City even closer to completing the long-awaited aquatic center project.

Alderman Marsh mentioned four items: 1) confirmed that water/sewer expenses required by the approved annexations are funded through City water/sewer revenue funds and will not require any bonding; 2) confirmed that action accepting federal grant funding for six police officer positions for three years will result in positions that would be required in the natural course of City growth; 3) confirmed that Board discussion held at last night's work session clarified that the City's property located at Fort Henry Drive and Eastman Road (now used for the City's Engineering Department) will not be put on the commercial market and wanted the public to be aware of that message; and 4) wanted to congratulate Mark Haga of the City's Community Development Department and Kingsport Housing and Redevelopment Authority (KHRA) for a project co-engineered to make serious structural repairs to a Lomax Street residence owned and inhabited by a senior citizen with no monetary or physical means to deal with the necessary repair. KHRA and Mr. Haga stepped forward to take care of the repair process in less than 30 days, a timeframe usually unheard of in the public sector.

Alderman Parham was impressed with the presentation of the aquatic center design at yesterday's work session, especially with how the needs of youth, seniors, the handicapped and the general public will all be met at this center. He sees this project as a tremendous upside for further economic development in the Meadowview area and is pleased the project is moving ahead.

Mayor Phillips bragged on the Art Committee, Cultural Arts Director Bonnie Macdonald and her staff for the fine work the City's Arts is doing to promote the arts in Kingsport. The Mayor also re-emphasized that it's time to support the United Way fundraising efforts and encouraged City employees and Board members to be generous.

City Manager Campbell brought up the success experienced by sales of the Earth Machine composting bin. Public Works Director Ryan McReynolds reported that around 207 units were sold the first day and another sale day is planned for the near future.

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At this time, City Attorney Billingsley referred to a report provided to him and Board members from Code Enforcement Officer, John Blessing, to bring the Board up to date on the number of property acquired by the City due to dilapidation, the number scheduled for demolition and the number already demolished. He described the process the City uses to deal with houses considered uninhabitable and the use of the real property by KHRA to build new houses, following HUD requirements, to provide affordable housing to those who qualify. Officer Blessing was praised for his efficient and professional manner of dealing with Code enforcement issues.

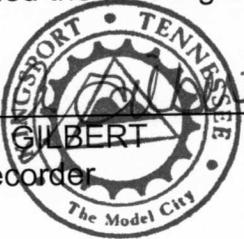
Mr. Billingsley further informed the Board that KPD Officer. Melanie Adkins, will be taking the place of Officer Houston Smith, code enforcement officer for several years and who will be retiring soon.

Finally, discussion centered on the status of the new pothole repair machine, given the name of "Patch." Mr. McReynolds responded that operators are in the process of training on the equipment, which requires only one operator, patches quickly and efficiently and keeps moving. City Manager Campbell is planning a demonstration for sister cities who have expressed great interest in hiring this piece of equipment.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:48 p.m.

Elizabeth A. Gilbert
ELIZABETH A. GILBERT
Deputy City Recorder



Dennis R. Phillips
DENNIS R. PHILLIPS
Mayor